



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5562

by Rep. Aaron Schock

#### SYNOPSIS AS INTRODUCED:

705 ILCS 105/16  
705 ILCS 505/8

from Ch. 25, par. 16  
from Ch. 37, par. 439.8

Amends the Clerks of Courts Act. Provides that each clerk shall take appropriate actions to redact or otherwise prevent the release of an individual's social security number contained on a document or record maintained by the clerk before the document or record is inspected, examined, or copied by a person other than the clerk or a judge. Amends the Court of Claims Act. Provides that the Court of Claims has exclusive jurisdiction to hear all claims against a circuit court clerk for damages in cases sounding in tort for the unauthorized release of a person's social security number in violation of the Clerks of Courts Act; provides that if there is an award, it shall be for treble damages, based on the amount of actual damages.

LRB095 17733 AJ0 43809 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Clerks of Courts Act is amended by changing  
5 Section 16 as follows:

6 (705 ILCS 105/16) (from Ch. 25, par. 16)

7 Sec. 16. Records kept by the clerks of the circuit courts  
8 are subject to the provisions of "The Local Records Act",  
9 approved August 18, 1961, as amended.

10 Unless otherwise provided by rule or administrative order  
11 of the Supreme Court, the respective clerks of the circuit  
12 courts shall keep in their offices the following books:

13 1. A general docket, upon which shall be entered all suits,  
14 in the order in which they are commenced.

15 2. Two well-bound books, to be denominated "Plaintiff's  
16 Index to Court Records," and "Defendant's Index to Court  
17 Records" to be ruled and printed substantially in the following  
18 manner:

19 .....

20 Plaintiffs	Defendants	Kind of	Date	Record	Pages
21		Action	Commenced	Book	
22	.....				
23	.....				

1 .....  
2

Date of Judgment

judgment docket

4 .....  
5

Book Page

6 .....  
7

Certificate Satisfied

Certificate Certificate of or not Number

of levy of sale redemption satisfied of case

10 .....  
11

Fee Book Book Page Book Page Book Page

12 .....  
13

All cases shall be entered in such books, in alphabetical order, by the name of each plaintiff and defendant. The books shall set forth the names of the parties, kind of action, date commenced, the record books and pages on which the cases are recorded, the date of judgment, books and pages of the judgment dockets, fee book, certificates of levy, sale and redemption records on which they are entered satisfied or not satisfied, and number of case. The defendant's index shall be ruled and printed in the same manner as the plaintiff's except the parties shall be reversed.

23 3. Proper books of record, with indices, showing the names  
24 of all parties to any action or judgment therein recorded, with  
25 a reference to the page where it is recorded.

26 4. A judgment docket, in which all final judgments (except

1 child support orders as hereinafter provided) shall be minuted  
2 at the time they are entered, or within 60 days thereafter in  
3 alphabetical order, by the name of every person against whom  
4 the judgment is entered, showing, in the proper columns ruled  
5 for that purpose, the names of the parties, the date, nature of  
6 the judgment, amount of the judgment and costs in separate  
7 items, for which it is issued, to whom issued, when returned,  
8 and the manner of its enforcement; a blank column shall be kept  
9 in which may be entered a note of the satisfaction or other  
10 disposition of the judgment or order and when satisfied by  
11 enforcement or otherwise, or set aside or enjoined; the clerk  
12 shall enter a minute thereof in such column, showing how  
13 disposed of, the date and the book and page, where the evidence  
14 thereof is to be found. In the case of child support orders or  
15 modifications of such orders entered on or after May 1, 1987,  
16 the clerk shall minute such orders or modifications in the  
17 manner and form provided herein but shall not minute every  
18 child support installment when due or every child support  
19 payment when made. Such dockets may be searched by persons, at  
20 all reasonable times without fee.

21 5. A fee book, in which shall be distinctly set down, in  
22 items, the proper title of the cause and heads, the cost of  
23 each action, including clerk's, sheriff's and witness' fees,  
24 stating the name of each witness having claimed attendance in  
25 respect of the trial or hearing of such action with the number  
26 of days attended. It shall not be necessary to insert the cost

1 in the judgment; but whenever an action is determined and final  
2 judgment entered, the costs of each party litigant shall be  
3 made up and entered in such fee book, which shall be considered  
4 a part of the record and judgment, subject, however, at all  
5 times to be corrected by the court; and the prevailing party  
6 shall be considered as having recovered judgment for the amount  
7 of the costs so taxed in his or her favor, and the same shall be  
8 included in the certified copy of such judgment, and a bill  
9 thereof accompanying certified copy of the judgment. If any  
10 clerk shall issue a fee bill or a bill of costs, with the  
11 certified copy of the judgment without first entering the same  
12 in the fee book, or if any such bill of costs or fee bill shall  
13 be issued which shall not be in substance a copy of the  
14 recorded bill, the same shall be void. Any person having paid  
15 such bill of costs or fee bill, may recover from the clerk the  
16 amount thereof, with costs of the action, in any circuit court.

17 6. Such other books of record and entry as are provided by  
18 law, or may be required in the proper performance of their  
19 duties. Each clerk shall take appropriate actions to redact or  
20 otherwise prevent the release of an individual's social  
21 security number contained on a document or record maintained by  
22 the clerk before the document or record is inspected, examined,  
23 or copied by a person other than the clerk or a judge. All  
24 records, dockets and books required by law to be kept by such  
25 clerks shall be deemed public records, and shall at all times  
26 be open to inspection without fee or reward, and all persons

1 shall have free access for inspection and examination to such  
2 records, docket and books, and also to all papers on file in  
3 the different clerks' offices and shall have the right to take  
4 memoranda and abstracts thereto.

5 (Source: P.A. 85-1156.)

6 Section 10. The Court of Claims Act is amended by changing  
7 Section 8 as follows:

8 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

9 Sec. 8. Court of Claims jurisdiction. The court shall have  
10 exclusive jurisdiction to hear and determine the following  
11 matters:

12 (a) All claims against the State founded upon any law of  
13 the State of Illinois or upon any regulation adopted thereunder  
14 by an executive or administrative officer or agency; provided,  
15 however, the court shall not have jurisdiction (i) to hear or  
16 determine claims arising under the Workers' Compensation Act or  
17 the Workers' Occupational Diseases Act, or claims for expenses  
18 in civil litigation, or (ii) to review administrative decisions  
19 for which a statute provides that review shall be in the  
20 circuit or appellate court.

21 (b) All claims against the State founded upon any contract  
22 entered into with the State of Illinois.

23 (c) All claims against the State for time unjustly served  
24 in prisons of this State where the persons imprisoned shall

1 receive a pardon from the governor stating that such pardon is  
2 issued on the ground of innocence of the crime for which they  
3 were imprisoned; provided, the court shall make no award in  
4 excess of the following amounts: for imprisonment of 5 years or  
5 less, not more than \$15,000; for imprisonment of 14 years or  
6 less but over 5 years, not more than \$30,000; for imprisonment  
7 of over 14 years, not more than \$35,000; and provided further,  
8 the court shall fix attorney's fees not to exceed 25% of the  
9 award granted. On December 31, 1996, the court shall make a  
10 one-time adjustment in the maximum awards authorized by this  
11 subsection (c), to reflect the increase in the cost of living  
12 from the year in which these maximum awards were last adjusted  
13 until 1996, but with no annual increment exceeding 5%.  
14 Thereafter, the court shall annually adjust the maximum awards  
15 authorized by this subsection (c) to reflect the increase, if  
16 any, in the Consumer Price Index For All Urban Consumers for  
17 the previous calendar year, as determined by the United States  
18 Department of Labor, except that no annual increment may exceed  
19 5%. For both the one-time adjustment and the subsequent annual  
20 adjustments, if the Consumer Price Index decreases during a  
21 calendar year, there shall be no adjustment for that calendar  
22 year. The changes made by Public Act 89-689 apply to all claims  
23 filed on or after January 1, 1995 that are pending on December  
24 31, 1996 and all claims filed on or after December 31, 1996.

25 (d) All claims against the State for damages in cases  
26 sounding in tort, if a like cause of action would lie against a

1 private person or corporation in a civil suit, and all like  
2 claims sounding in tort against the Medical Center Commission,  
3 the Board of Trustees of the University of Illinois, the Board  
4 of Trustees of Southern Illinois University, the Board of  
5 Trustees of Chicago State University, the Board of Trustees of  
6 Eastern Illinois University, the Board of Trustees of Governors  
7 State University, the Board of Trustees of Illinois State  
8 University, the Board of Trustees of Northeastern Illinois  
9 University, the Board of Trustees of Northern Illinois  
10 University, the Board of Trustees of Western Illinois  
11 University, or the Board of Trustees of the Illinois  
12 Mathematics and Science Academy; provided, that an award for  
13 damages in a case sounding in tort, other than certain cases  
14 involving the operation of a State vehicle described in this  
15 paragraph, shall not exceed the sum of \$100,000 to or for the  
16 benefit of any claimant. The \$100,000 limit prescribed by this  
17 Section does not apply to an award of damages in any case  
18 sounding in tort arising out of the operation by a State  
19 employee of a vehicle owned, leased or controlled by the State.  
20 The defense that the State or the Medical Center Commission or  
21 the Board of Trustees of the University of Illinois, the Board  
22 of Trustees of Southern Illinois University, the Board of  
23 Trustees of Chicago State University, the Board of Trustees of  
24 Eastern Illinois University, the Board of Trustees of Governors  
25 State University, the Board of Trustees of Illinois State  
26 University, the Board of Trustees of Northeastern Illinois

1 University, the Board of Trustees of Northern Illinois  
2 University, the Board of Trustees of Western Illinois  
3 University, or the Board of Trustees of the Illinois  
4 Mathematics and Science Academy is not liable for the  
5 negligence of its officers, agents, and employees in the course  
6 of their employment is not applicable to the hearing and  
7 determination of such claims.

8 (e) All claims for recoupment made by the State of Illinois  
9 against any claimant.

10 (f) All claims pursuant to the Line of Duty Compensation  
11 Act.

12 (g) All claims filed pursuant to the Crime Victims  
13 Compensation Act.

14 (h) All claims pursuant to the Illinois National  
15 Guardsman's Compensation Act.

16 (i) All claims authorized by subsection (a) of Section  
17 10-55 of the Illinois Administrative Procedure Act for the  
18 expenses incurred by a party in a contested case on the  
19 administrative level.

20 (j) All claims against a circuit court clerk for damages in  
21 cases sounding in tort for the unauthorized release of a  
22 person's social security number in violation of item 6 of  
23 Section 16 of the Clerks of Courts Act; provided that an award  
24 shall be for treble damages, based on the amount of actual  
25 damages.

26 (Source: P.A. 93-1047, eff. 10-18-04.)